

IHC RCE
1635

**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/301,380
<i>Filing Date</i>	June 15, 2001
<i>First Named Inventor</i>	Murphy, Gerald P.
<i>Art Unit</i>	1635
<i>Examiner Name</i>	M. Schmidt
<i>Attorney Docket Number</i>	20093A-002100US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

<p>1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).</p> <p>a. <input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p>i. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</p> <p>ii. <input type="checkbox"/> Other _____</p> <p>b. <input checked="" type="checkbox"/> Enclosed</p> <p>i. <input checked="" type="checkbox"/> Amendment/Reply</p> <p>ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s)</p> <p>iii. <input type="checkbox"/> Information Disclosure Statement (IDS)</p> <p>iv. <input checked="" type="checkbox"/> Other Ext. of Time (4 mos.); Return Postcard</p>			
<p>2. Miscellaneous</p> <p>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)</p> <p>b. <input type="checkbox"/> Other _____</p>			
<p>3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <p>a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-1430</p> <p>i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)</p> <p>ii. <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)</p> <p>iii. <input type="checkbox"/> Other _____</p> <p>b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed</p> <p>c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)</p>			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Brian W. Poor	Registration No. (Attorney/Agent)	32,928
Signature		Date	May 5, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print /Type)	Jennifer M. Smolen
Signature	

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01 FC:2254 740.00 DA

05/11/2004 SSITHIB1 00000163 201430 09301380

02 FC:2801 385.00 DA

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By: 



PATENT
Attorney Docket No. 20093A-002100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

GERALD P. MURPHY *et al.*

Application No.: 09/301,380

Filed: June 15, 2001

For: NR-CAM GENE, NUCLEIC ACIDS
AND NUCLEIC ACID PRODUCTS
FOR THERAPEUTIC AND
DIAGNOSTIC USES FOR TUMORS

Examiner: M. Schmidt

Art Unit: 1635

Confirmation: 5494

AMENDMENT AFTER FINAL

Assistant Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action mailed on May 6, 2003 and in lieu of filing an appeal brief in regard to the Notice of Appeal filed on November 5, 2003, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

The Remarks section begins on page 5 of this paper.